

Exhibit "A"

HIDALGO COUNTY "GASOLINE, ON & OFF HIGHWAY DIESEL FUEL" BID NO. 2007-122-00-00-ROL

DRAFT BID SPECIFICATIONS

PROJECT OVERVIEW

Hidalgo County is seeking bids from qualified and interested vendors for purchases of fuel, i.e. gasoline (all grades) and diesel (all grades). Hidalgo County will contract with the lowest responsible bidder meeting all specifications and requirements contained herein. All purchases of gasoline and/or, on and/or off highway diesel fuel will be on an "as needed basis" only. There is no guarantee on annual volume. Hidalgo County purchases approximately 80% bulk fuel and 20% fuel from fueling stations. Hidalgo County may seek purchases from state awarded vendors or any other cooperative purchasing programs whenever it is in its best interest to do so.

I. GENERAL INSTRUCTIONS TO BIDDERS:

Bids must be submitted by Wednesday; Month Day Year and will be opened at 9:30 A.M., in the Hidalgo County Purchasing Department Conference Room located at 100 East Cano, 4th Floor, Administration Building, Edinburg, Texas 78539.

BID ACCEPTANCE:

- A. Unsigned bids will not be considered.
- B. Bids received after bid date and time will not be considered and will be returned to vendor unopened.
- C. Only sealed bids will be accepted. Faxed bids will not be accepted.

Any change to this documentation must be in written addendum and signed by, Martha L. Salazar, CPPB, Purchasing Agent or her designee.

The County reserves the right to accept or reject any or all bids received, waive minor technicalities and award the bid to best serve the interest of HIDALGO COUNTY.

BID PRICE:

Bid your lowest margin of profit for all gasoline and diesel grades. **The margin of profit shall remain the same for both bulk fuel and fueling stations.** Hidalgo County purchases approximately 80% bulk fuel and 20% fuel from fueling stations.

Detailed explanation of warranties must be provided with bid.

Prices that HIDALGO COUNTY will pay for all fuel delivery during the term of the contract will be based upon the bidder price above or below on the Month Day Year, **OPIS report (Harlingen Pad) RACK PRICE.** Bidder must provide a copy of the Month Day Year OPIS report along with the bid and a relevant OPIS report current (Harlingen Pad) with each invoice.

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To expedite evaluation of bids, **HIDALGO COUNTY** forms must be used to submit pricing information.

Bids shall be on the BID FORM enclosed and sealed in an envelope clearly labeled as follows:

HIDALGO COUNTY
"GASOLINE, ON & OFF HIGHWAY DIESEL FUEL"
BID NO. 2007-122-00-00-ROL
ATTN: MARTHA L. SALAZAR, CPPB, PURCHASING AGENT

REFERENCES:

A list of a minimum of five references/ contracts for any national, state, local political subdivision, private sector or other entity must be submitted along with your bid for qualification. Information regarding point of contact and contract term should include, but not limited to, the following:

- 1) Company
- 2) Contact Person
- 3) Phone Number
- 4) Term of the contract

BID WITHDRAWAL:

No bid may be withdrawn for a period of ninety (90) days subsequent to the bid opening date without expressed written consent of the County.

VOLUME:

All purchases of gasoline and/or, on and/or off highway diesel fuel will be on "**an as needed basis only**". There is no guarantee on annual volume. **Hidalgo County may seek purchases from state awarded vendors or any other cooperative purchasing programs; whenever it is it's best interest to do so.**

After the bid is awarded and the awarded bidder(s) default(s) in meeting the general instructions to bidders and/or comply with contract agreement, HIDALGO COUNTY reserves the right to seek goods/services from the secondary vendor, state awarded vendors or any other cooperative purchasing programs at no additional cost to the County. In such event, Hidalgo County will charge the successful bidder the difference for any additional cost incurred by Hidalgo County for such item.

RESPONSIBLE BIDDER:

Bidders having a history of inconsistent services and unreliability will not be considered by the County to be a responsible bidder.

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The business must be a well established organization and have any adequate number of trained personnel to ensure quality and performance and completion of contract within a specified time period.

TERM OF THE CONTRACT:

HIDALGO COUNTY is requesting bids for "GASOLINE, ON & OFF HIGHWAY DIESEL FUEL" for a one (1) year term with the County's option to extend the contract for an additional two (2) one (1) year terms based on prior year's performance evaluation and contingent upon cost terms remaining unchanged.

Hidalgo County reserves the right to extend the contract for an additional sixty (60) day grace period at the end of the contract term due to unforeseen delay in the procurement of subsequent bid process.

Bid prices are to remain firm from **BID AWARD DATE** through the termination of contract.

TERMINATION:

Either party may terminate this agreement upon giving written notice ninety (90) days prior to effective date of said termination.

Funds for this procurement have been provided through the County budget for this fiscal year only. County, on an annual basis, has the right to reconsider a contract during the budget process for ensuing years if financial resources of County are insufficient to meet the liabilities of said contract. The award of a bid or contract hereunder will not be construed to create a debt of the County which is payable out of funds beyond the current fiscal year.

If termination of contract is necessary, the successful bidder will not add any termination penalties to said contract.

II COMPLIANCE WITH SPECIFICATIONS & HIDALGO COUNTY'S RIGHT OF SELECTION:

All bidder(s) shall abide by & comply with the true intent of the specifications and not take advantage of any unintentional error or omission.

Bidders will be required to comply with all applicable equal employment opportunity laws and regulations.

EVALUATION OF BIDS:

All bids shall be evaluated on all factors involved, i.e., price, quality, and service, etc., whichever is in the best interest of the County.

No cash advance discount will be considered.

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DEVIATIONS FROM SPECIFICATIONS:

All deviations from the specifications must be noted in writing, in detail by bidder at the time of submittal of the bid. Deviations will be submitted to Commissioner's Court for discussion.

"OR EQUAL" INTERPRETATION CLAUSE:

Any time a particular manufacturer's name brand may be specified, it shall mean any product of equal quality. Bids shall be considered on all other brands submitted and on equal quality product of other manufacturers. On all such bid, the bidder shall indicate clearly the product on which bidding, and shall supply sufficient data on his/her own letterhead to enable an intelligent comparison to be made with the particular brand or manufacturer specified. If after analyzing the bid, it is found that the bidder did not bid on the brand and model specified and a statement to the contrary is not submitted,

the item will not be considered.

No substitutions will be accepted after item(s) have been awarded as specified.

REPRESENTATIONS:

The vendor represents that the items/and or services provided by the vendor hereunder shall conform to the presentations of same as represented and described in the attachments. Notwithstanding anything to the contrary herein, if for any reason Hidalgo County determines in its sole discretion, that part of or all of the items and/or services fail to meet the expectations of HIDALGO COUNTY, HIDALGO COUNTY may on a ten (10) day notice, terminate this agreement and be relieved of any further obligation to vendor.

ERRORS IN BIDS, RELIEF OF BIDS:

Bidders or their authorized representative are expected to fully inform themselves as to the conditions, requirements and specifications before submitting bids, failure to do so will be at the bidder's own risk and bidder cannot secure relief of the plea or error. Neither law nor regulation make the allowance for errors or omission or commission on the part of bidders. In case of error in extension of prices in the bid, the unit price shall govern.

PRODUCT QUALITY:

Fuels supplied under this bid shall be free from contamination. **HIDALGO COUNTY** reserves the right to test fuel quality upon delivery, prior to unloading. Should test results show that fuel contains contamination, it will be rejected.

For purpose of this specification, contamination is defined as any element which enters pure refined gasoline and diesel fuel either naturally or by purposeful action which is not a product of refined crude oil. With the exception of winter additives, detergents, and identifying dyes, any amount of alcohol is considered contamination and will not be allowed. Vendor shall be responsible for the removal of contaminated fuel from **HIDALGO COUNTY** property within three (3) working days after requested to do so should laboratory test results show fuel contains any level of alcohol or other contaminants. The vendor shall also be responsible for all cleanup required to all **HIDALGO COUNTY** property, storage facilities, vehicles and equipment as a result of non-compliance with specifications. Furthermore, the vendor shall be fully responsible for any and all cost incurred by **HIDALGO COUNTY** for any vehicles or equipment sustaining damage which is attributed to contaminated fuel(s) which the vendor has delivered.

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III. **BID AWARD:**

HIDALGO COUNTY will award bid to the bidder with the lowest margin of profit. A "Primary" and "Secondary" vendor will be awarded for purchases from this contract through the effective period of this award. In situations when the "Primary" vendor does not comply with the specifications, requirements, terms, conditions, obligations, including delivery all contained within this bid packet, departments will purchase from the "Secondary" vendor. For evaluation & consideration of items bid, samples may be requested.

IV. **DELIVERY INSTRUCTIONS:**

Delivery hours are from 8:00 A.M. through 12:00 P.M., and 1:00 P.M. through 4:00 P.M. Monday through Friday.

Bidder shall deliver the requested amount of fuel within 24 hour of a properly executed purchase order. Partial orders will be considered as a basis of non-compliance.

V. **BILLING AND PAYMENT INSTRUCTIONS:**

Invoice must include:

- A) Marked- "HIDALGO COUNTY- GASOLINE, ON & OFF HIGHWAY DIESEL FUEL"
- B) Copy of signed delivery ticket

County makes payments monthly upon request of a properly executed invoice & documentation from the cosignee.

Contact person for Billing & Payment questions:

*Raymundo Eufracio, CPA
Hidalgo County Auditor
Hidalgo County Administration Building
100 E. Cano, 3rd Floor
Edinburg, Texas 78539
(956) 318-2511*

VI. **ADDITIONAL REQUIREMENTS**

Compliance with all specifications is required. Detailed specifications are included.

Bidder must provide (1) one 1000 gallon fuel storage tanks, (3) three 2000 gallon fuel storage tanks, (4) four pumps and Spill Containment/Dike area for each new tank at the following locations.

Bidder shall also be available to provide **HIDALGO COUNTY** with **additional fuel storage tank(s)** , **pumps and dikes as needed or required**. Bidder must deliver fuel ordered to these locations within 24 hours of the County's order. Storage tanks, pumps and/or installation of tanks , pumps and dikes will be **at no additional charge** to Hidalgo County.

Spill Containment/Dike area: Vendor is responsible for providing a spill containment/dike area for any new tank requested by Hidalgo County to be in compliance with OSHA under the OSHA Standards for general industry §1910.106(b)(2)(vi)(c).

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DESIGNATED DEPARTMENT & ADDRESS	NO. OF STORAGE TANKS	NO. OF PUMPS
Precinct No. 2 301 E. State- Pharr, Texas Phone: 956/787-1891 Contact: Yoli Cisneros	One (1) 1000 Gallon Gasoline	1
Precinct No. 3 414 W. 12 th Street- Mission, Texas Phone 956/585-4509 Contact: Olivero Solis/ J.D. Villarreal	One (1) 2000 Gallon Gasoline One (1) 2000 Gallon On Highway Diesel One (1) 2000 Gallon Off Highway Diesel	None
Precinct No. 4 1102 N. Doolittle - Edinburg, Texas	None	One (1) Gasoline

Phone No.: 956/383-3112 Contact : Jr. Munoz		Two (2) Diesel
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Bidder must provide a list of secured, contracted and operational fueling stations with bid submission. Hidalgo County reserves the right to confirm and verify fueling locations. Failure to submit will disqualify bid.

Bidder must also provide County and all of its departments the convenience and the ability to refuel gasoline or diesel, at a minimum of one (1) commercial gasoline/ on- highway diesel dispensing location open at least twelve (12) hours situated within cities listed below & one (1) commercial gasoline dispensing location (in the Edinburg area) open at least 24 hours each day:

- G. Edinburg, Texas
- H. McAllen, Texas
- I. Mission, Texas
- J. Pharr, Texas
- K. Weslaco, Texas

Bidder shall fully service HIDALGO COUNTY vehicles and personnel from all departments and/or branches of the County in the location listed at least twelve (12) hours each day. EDINBURG location shall be open twenty-four (24) hours each day.

Bidder shall deliver the fuel ordered within 24 hours of the County's order to County's existing storage facilities at the sites listed as follows:

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DESIGNATED DEPARTMENT/ ADDRESS	NO. OF STORAGE TANKS
Hidalgo County Adult Detention Center (Motor Pool) 713 E. El Cibolo Road- Edinburg, Texas Phone No. 956/383-8114 X-6185 Contact: Carlos Becerra	One (1) 20,000 Gallon Gasoline Tank One (1) 5,000 Gallon Diesel Tank Two (2) 2,400 Gallon Diesel Tanks One (1) 1,000 Gallon Diesel Tank One (1) 150 Gallon Diesel
Hidalgo County Precinct no. 1- Adm./ Shop 1902 Joe Stephens- Weslaco, Texas Phone No. 956/968-8733 Contact: Noe Montes	One (1) 5000 Gallon Gasoline Tank One (1) 5000 Gallon Diesel Tank
Hidalgo County Precinct No. 2 301 E. State- Pharr, Texas Phone No. 956/787/1891 Contact: Yoli Cisneros	One (1) 3000 Gallon Diesel Tank One (1) 1,000 Gasoline Tank
Hidalgo County Precinct No. 3- Shop 414 W. 12 th Street- Mission, Texas Phone No. 956/585-4509 Contact: Olivero Solis/ J.D. Villarreal	Two (2) 2000 Gallon Off Highway Diesel Tanks One (1) 1,000 Gallon Diesel Tank One (1) 2,000 Gallon Gasoline Tank One (1) 200 Gallon Diesel
Hidalgo County Precinct No. 4- Adm./ Shop 1102 N. Doolittle Road- Edinburg, Texas Phone No.: 956/383-3112	One (1) 6000 Gallon Gasoline Tank One (1) 4000 Gallon On-Highway Diesel Tank

Contact: Jr. Munoz	
Old Hidalgo County Sheriff's Department 3100 S. Highway 281 Edinburg, Texas 78539 Phone No.: (956) 318-2649 Contact: Daniel Flores	One (1) 15,000 Gallon Diesel Tank One (1) 150 Gallon Diesel

Bidder shall also deliver the fuel ordered within 24 hours of the County's order to County's existing generators at the sites listed as follows:

DESIGNATED DEPARTMENT/ADDRESS	NO. OF GENERATORS
Hidalgo County Adult Detention Center 701 E. El Cibolo Road- Edinburg, Texas Phone No. 956/383-8114 Contact: Capt. Joe Jackson	Two (2) 2,400 Gallon Diesel Fuel Tanks
Hidalgo County Adult Detention Center 711 E. El Cibolo Road- Edinburg, Texas Phone No. 956/383-8114 Contact: Capt. Joe Jackson	One (1) 1,000 Gallon Diesel Fuel Tank
Hidalgo County Adult Detention Center (Motorpool) 713 E. El Cibolo Road- Edinburg, Texas Phone No. 956/383-8114 Contact: Capt. Joe Jackson	One (1) 100 Gallon Diesel Fuel Tank

In the event discounts are to be granted for rapid payment, bidder is encouraged to express any such discount in its bid.

VII. ADDITIONAL INFORMATION:

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Hidalgo County is requesting that any all and questions, inquiries, and clarifications regarding this bid be addressed to, Moises Salazar, Buyer, Hidalgo County Purchasing Department, 100 East Cano, 4th Floor, Administration Building, Edinburg, Texas 78539.

TELEPHONE INQUIRIES WILL NOT BE ACCEPTED.

ALL WRITTEN INQUIRIES WILL BE ACCEPTED VIA FACSIMILE BY NO LATER THAN, Wednesday, Month Day Year, 5:00 P.M. Responses to said inquiries will be sent to all applicants via facsimile by no later than, 5:00P.M., Month Day Year.